

Legalisation of drugs: Yes or no?

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Reflections on the article of Professor Ethan Nadelmann: "Think again" (http://www.foreignpolicy.com/story/cms.php?story_id=3932&page=0)

In the modern world, the problem of the legalisation of drugs has very great significance, one to which no conscientious person can remain indifferent. The legitimisation or prohibition of the sale of drugs will influence the structure and morality of the societies in which we live into future generations. It is a vital responsibility of ours to present to politicians and all people of good will the various different views on this problem, as well as the potential effects of proposed or adopted strategies. In the Autumn 2007 edition of the magazine "Foreign Policy" an article of professor Ethan Nadelmann, under the title "Think again", was published, in which he provides arguments for a positive, rational approach to the legalisation of drugs.

In the article, Professor Nadelmann demonstrates the ineffectiveness of the current dominant approach to the phenomenon of drug production, distribution and consumption by means of prohibition and criminal proceedings against drug dealers. In defence of this argument, the author uses the negative experience of the last ten years in struggling with this evil both on the part of the United Nations and the United States, as a result of which it is possible to observe the following: increased, rather than reduced, demand for drug products; relative ease of obtaining drugs, as evidenced by well-organised black markets; the marginalisation of drug addicts from mainstream society and the wide diffusion of HIV/AIDS and other infectious diseases passed between drug users by the non-hygienic use of syringes.

According to the author's analysis, the legalisation of drugs could start with the relaxing restrictions on less harmful drugs, such as marijuana, and giving the state the legal power to control the drugs market, to provide better assistance to drug addicts, and to eliminate the criminality associated with drug production, sale and consumption. The problem of drugs would thus become a health problem, and the number of people killed by overdosing or bad quality drugs would be

reduced, as would the diffusion of infectious diseases, thus also saving taxpayers' money.

Let's think about the question posed by Professor Nadelmann: "Are the negative effects of the legalization of drug use likely to outweigh the current damage to individual persons and to society as a whole caused by drug abuse under the conditions of illegal drug markets?"

As a first reaction, I think that it is not possible or correct to treat an evil and harmful idea, such the legalisation of drugs, as a morally neutral subject, just so as to overcome or reduce the damage caused by drugs. The position of Professor Nadelmann seems to coincide in general with those of contemporary "libertarians" regarding the legalisation of drugs. For "libertarians" the rights and freedoms of individuals are given first place, and in socio-political life no-one's choices should be limited or constrained as long as these choices do not harm others. Similarly, the economy should be perfectly regulated by the principles of the free market. (One of the most well-known thinkers of this current in political philosophy is Robert Nozick with his "Theory of Entitlement" and the "Idea of the Minimal State"). From this point of view, it is not surprising that the author should not view the systematic use of drugs as immoral, nor that he should not recognise the great threat posed by the legalisation of drugs to human dignity.

Professor Nadelmann would like to see the criminality provoked by the prohibition of drugs done away with, along with greater levels of medical help and rehabilitation for drug addicts at reduced cost levels for taxpayers, but he fails to make a critical examination of the negative effects of the legalisation of drugs, as well as the obstacles that will hinder the achievement of the abovementioned practical goals.

There are major doubts as to whether these goals could be achieved. Existing criminal structures would compete with new drug monopolies on the drug market, or, through bribery and corruption, would get themselves legalised. The fact of having legal access to drugs would be likely to increase their use across different social groups, and the most disadvantaged would still be

likely to get involved in criminal methods for obtaining them.

There is no doubt that the legalisation of marijuana or other less harmful drugs would provoke a quantitatively higher level of use/abuse, and, consequently, higher levels of use of stronger drugs, since the aim of drug-use is largely to satisfy and intensify hedonistic feelings, often leading to detachment from reality. Addicts thus carry on searching for more and more acute and stronger effects from drugs. At the same time, expenses for the medical and psychological treatment of adult drug addicts, unable to continue functioning normally in society, would be likely to grow.

Following our reflections, it is possible to raise questions like: if drug use were morally irrelevant and not harmless to health, why does no psychologically-balanced parent offer drugs to his or her own child? We may also ask ourselves whether any person would like to be treated by a doctor, or take a flight with a pilot or a bus journey with a driver, any of whom were drug addicts? I hope that the answers to these questions are not controversial, since we are on a road leading nowhere if we cannot agree on points like these. Nevertheless, whether drugs are legalised or not, persons who are drug addicts must be treated with full respect as human beings with dignity.

The problem of the extensive use of drugs, especially by the younger generations, directs our attention to a wide spectrum of problems that are present in contemporary society, including: difficulty with recognition and fulfilment of single people in society, badly or inadequately defined aims to human existence, relativistic approaches to the definitions of truth, goodness, human moral values and principles.

I think that intellectuals and state institutions at first have to concentrate on the reformulation of education and formation systems towards encouraging the growth of “virtuous persons”, promoting solidarity between people and indicating the common good of society, defending all persons and especially the young and families from harmful and degrading influences.

Interesting in this context are the debates that have appeared between political philosophers representing “liberal egalitarian” positions (whose illustrious representatives would include John Rawls and his theory of “Justice as fairness”, as

well as Ronald Dworkin) and “communitarian” positions (among whom some of the most important would be Alasdair MacIntyre, Michael Walzer and Charles Taylor). Communitarians criticise liberal egalitarians for being unable to adjust their neo-contractual “Theories of Social Justice” to include the importance of belonging to specific societies with certain traditions, cultures and ways of rational thinking, and because they cannot provide clear arguments for how, in constitutionally democratic regimes, one can form “virtuous persons” with a sense of solidarity. I think that the criticisms made by the Communitarians have interesting theoretical and practical foundations that are not completely dissimilar to those of Catholic Social Thought, but in this last part of my article, I will not refer to them further since I intend to make a few comments on an approach to the drug problem based on Catholic Social Teaching.

According to the Catholic position, the activity of the human being should be oriented to the full realisation of human potential and talents, with the aim of becoming fully oneself, so as to accomplish the aim of one’s personal existence in history and in the created order and, finally, to return to the Creator. To accomplish these plans, the person needs God’s grace, though this does not transform human nature but is rather a permanent guide and supernatural help. The dignity of the human person is expressed in the potential moral and rational endowments that make human beings able to attain rational knowledge and self-control on both personal and community levels. By the means of the natural law, the human being may arrive at moral values and principles that have to be applied in society through free and responsible choices in the achievement of personal and common goods.

Drug use reduces human dignity because it makes human beings dependent on hedonistic feelings, depriving them of a proper connection with reality and leading them to dependency and addiction. This in turn destroys the spiritual, psychological, rational and physical functions of the human being, ultimately taking away one’s freedom and replacing it with a damaging addiction.

In this perspective, the legalisation of drugs would create a new subculture which John Paul II called the “culture of death”, since choosing to become addicted to drugs would become a morally

neutral choice. The legalisation of drugs would be particularly harmful to the young, the immature, and to those without a strong sense of the need to make right and consistent rational and moral choices based on a common understanding of personal and common good through using one's own rational capacities and moral experience of various different kinds.

I consider that the three courses of action offered in the manual "Church, Drugs, and Drug Addiction", published by the Pontifical Council for Health Care Workers, should be once again taken into consideration and adopted as a general strategy for fighting against drugs. These are: prevention, suppression of trafficking, and rehabilitation.

Therefore, even though society is deeply afflicted by the constant struggle against criminal structures, bears heavy expenses in drug rehabilitation programs and institutions, and suffers

from the spread of infectious disease as a result of current drug abuse, that does not allow us to legalise drugs. Such a decision would lead to unpredictable and irreversible negative effects. It is not the case that keeping drugs illegal means that drug addicts are treated in a humiliating way, nor that we could not come up with better strategies to combat the spread of infectious disease.

It should be clear that the struggle against the evil provoked by drugs will go on until the end of time, but maintaining the ban on drugs will preserve the foundation of moral values according to which every person should form his or her own responsible choice. Each one of us can choose to get onto a path of self-destruction through the consumption of drugs, or to become a part of the criminal structures producing and delivering drugs, or we may seek self-realisation as persons by working for the achievement of one's own and the common good.